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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,103	05/21/1999	TRACY LEE NELSON	1176	8645

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 01/02/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Office Action Summary

Application No.

09/317,103

Applicant(s)

NELSON ET AL.

Examiner

Hector A. Agdeppa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 108-127 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 108-127 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 10/22/03. Claims 108 - 127 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 108 – 127 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,483,589 (Ishida et al.) in view of US Pat 5,917,897 (Johnson et al.).

As to claims 108 and 118, Ishida et al. teach an apparatus and method for routing control for a composite network wherein there are multiple nodes capable of receiving call information and depending on various received identifiers determine how to route that call. Inherently or at the least, obviously, each of these nodes has signaling processors embodied in the form of path selecting unit 103, number identifying unit, 101, etc. (Fig. 3)

Furthermore, each of these signal processors has access to a call processing table for selecting identifiers to "classify" the calls and determining how to route calls using the various identifiers such as an activation identifier (AI), node identifier (CC), connection type identifier (V/F), etc. (Fig. 6, Col. 7, line 54 – Col. 8, line 10). Ishida et al. teach that the contemplated network consists of a plurality of connection systems and other networks as well wherein the system may route calls using any combination of nodes or outside networks such as the PSTN. This must be the case or else a

system would not be able to distinguish between one call and another. (Col. 1, lines 52 – 60, Col. 2, line 40 – Col. 3, line 8, Col. 7, line 54 – Col. 9, line 10).

Moreover, inasmuch as one object of Ishida's system is to provide routing control method wherein a decision is made whether to allow or refuse certain communications based upon dial information associated with a call, it is inherent that the communication is interworked based on a call identifier or certain information specific to the call. (Col. 2, lines 44 – 52)

Also see Col. 10, lines 42 – 64 wherein based on the type of communication requested, which is identified by a dial information and indicated by an identifier, communications are interworked between various connection systems such as a Japanese fax node to the German PSTN.

Ishida et al. do not teach updating of the call processing tables.

However, because of the de-regulation in the telecommunications industry, such updating is at least obvious because carriers will "bid" for traffic by submitting the cost of routing a call and the tables of affected switches and nodes and of course signal processors will have to be updated to reflect these rates to effect least cost routing. Johnson et al. teaches such a system wherein, switches route calls in accordance with least cost routing resulting from a bidding process between participating carriers. Each switch/node receives this rate information. Col. 1, line 40 – Col. 2, line 18 and Col. 4, line 41 – Col. 5, line 30, Col. 6, line 30 – Col. 7, line 31). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have incorporated the bidding capability of Johnson et al. inasmuch as Ishida et al. already contemplates

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economical routing (Col. 1, line 59 of Ishida et al.) and because Ishida et al teaches the network upon which the invention of Johnson et al. would be operating on. In other words, Johnson et al. merely teaches the present state or method of least cost routing which would be used by Ishida et al.

As to claims 109, 111, 113 – 115, 119, 121, and 123 – 125, such is inherent in Ishida et al. There must be an MMI (Man machine interface) in order to update the tables. If done automatically, then it would be obvious then to revert to a manual means of entering information where again, an MMI would be inherently necessary. Also inherent is receiving the call data from an operations center. In any semi-modern telecommunications system there is an operations center from which such data is sent. Even if not, the data must be received from somewhere and whether it comes from separate nodes or servers or centers, which is old and well known, or from a single operations center, which is also old and well known, either would be obvious for one of ordinary skill in the art to have implemented in Ishida et al. at the time the invention was made.

Also, Ishida et al. in Fig. 6 teach the use of and storage of routing tables and tables having the called number. As to the ANI, Ishida et al. teach determining automatically whether or not certain connections may be made depending on where the caller is calling from and where the caller is calling to. Therefore it would be inherent, that the ANI information would be needed and stored as a means of determining how to route the calls.

As to claims 110 and 120, if manual entering of data into the call processing tables is done as addressed above, obviously like in almost any other provisioning scenario/system, access will be limited to certain personnel inherently requiring a user security configuration system for giving those certain operators/personnel the required access.

As to claims 112 and 122, a regional craft view system is employed to simply allow an operations center to view configurations of the signaling processor. In any telecommunications system, one will find an operations center allowing certain personnel to look at/change a system's configuration. As such, it would be at the least obvious to include such a feature in the invention of Ishida et al. by one of ordinary skill in the art at the time the invention was made. Such a features is old and well known in the art and there is likely no other method of provisioning and controlling a telecommunications system more commonly used giving adequate motivation to implement such a regional craft view system. Furthermore, whether the mechanism used to view configuration is a regional craft view or any other type of mechanism, these are simply an obvious preference for one of ordinary skill in the art.

As to claims 116, 117, 126, and 127, such is merely the broadband aspect of the claimed invention. Inasmuch as Ishida et al. teach handling both voice and fax, and the fact that many well known systems now allow broadband communications, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the methods used in Ishida et al. in a broadband platform, thus allowing for ATM to non-ATM and TDM communications.

Response to Arguments

3. Applicant's arguments filed 10/22/03 have been fully considered but they are not persuasive.

As to applicant's argument (1), Examiner maintains the prior rejection. All that is claimed regarding updating is "a call processing control system coupled to... and update the call processing tables..." There is no indication of global updating. Such MAY be implied because the claim recites a "call processing control system" which is configured for updating tables, but in claim 108, there is no specificity as to what or how the call processing system operates or is configured, beyond the fact that it has the ability to update tables. The call processing control system could very well operate as a distributed system of call processing control – such is not clear from claim 108.

Furthermore, as to applicant's arguments regarding the Moderator of Johnson, see Col. 4, line 66 – Col. 5, line 4 wherein it is taught that the Moderator itself may designate a default Carrier instead of the switch. Also see Col. 8, lines 45 – 58 wherein it is taught that a "routing table could be populated by the Moderator..." as well as "the routing table can be populated with derivative data generated in the Moderator..."

As to path selecting unit 103, it may not be discussed in Ishida et al. because the name alone CLEARLY indicates its purpose. Obviousness rejections and rejections in general involve the knowledge of one of ordinary skill in the art. There is NO other way to interpret the functionality of a path selecting unit in a system such as Ishida other than as already argued by examiner. Moreover, the issue of interworking was

addressed in the Response to Arguments section of the previous office action and is also addressed above in the rejection of claims 108 and 118.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.
December 23, 2003


AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700